

7—2506.21(17A) Evidence.

2506.21(1) The presiding officer will rule on admissibility of evidence as provided in Iowa Code section 17A.14 and may, where appropriate, take official notice of facts in accordance with all applicable legal obligations.

2506.21(2) Stipulation of facts is encouraged. The presiding officer may make a decision based on stipulated facts.

2506.21(3) Evidence in the proceeding will be confined to the issues identified at the prehearing conference or in the notice of hearing, as appropriate. A party may waive its right to prehearing notice. The presiding officer may, for good cause, expand the issues to be considered and admit evidence on those issues. In that case, a party that objects to the expansion is, upon timely request, entitled to a continuance sufficient to amend pleadings and to prepare on the additional issue.

2506.21(4) The presiding officer will not rule on the admissibility of an exhibit until opposing parties have had an opportunity to examine it. Parties should ordinarily furnish copies of exhibits to opposing parties before a hearing to prevent unnecessary delay during the hearing. All exhibits admitted into evidence will be appropriately marked and made part of the record.

2506.21(5) Any party may object to specific evidence or request limits on the scope of any examination or cross-examination. Each objection must be accompanied by a brief statement of the grounds upon which it is based. The objection, the ruling on the objection, and the reasons for the ruling will be noted in the record. The presiding officer may rule on the objection when it is made or may reserve a ruling until the written decision.

2506.21(6) Whenever evidence is ruled inadmissible, the party offering that evidence may submit an offer of proof on the record. The party making the offer of proof for excluded oral testimony will briefly summarize the testimony or, with permission of the presiding officer, present the testimony. If the excluded evidence is a document or exhibit, it will be marked as part of an offer of proof and inserted in the record.

[ARC 0190D, IAB 4/1/26, effective 5/6/26]